

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mercedes Bayon	Team: Team # 4	CCRB Case #: 201301452	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/30/2013 10:40 PM	Location of Incident: Cypress Avenue between Saint Mary's Street and East 141st Street	Precinct: 40	18 Mo. SOL 7/30/2014	EO SOL 7/30/2014	
Date/Time CV Reported Fri, 02/01/2013 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 03/05/2013 11:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Stoltenborg	14707	945032	PBBX SU
2. SGT Michael Raso	00484	933235	PBBX SU
3. POM Brian Manning	05694	942115	PBBX SU

Officer(s)	Allegation	Investigator Recommendation
A.SGT Michael Raso	Abuse: Sgt. Michael Raso stopped § 87(2)(b)	
B.POM John Stoltenborg	Abuse: PO John Stoltenborg stopped § 87(2)(b)	
C.POM Brian Manning	Abuse: PO Brian Manning stopped § 87(2)(b)	
D.SGT Michael Raso	Abuse: Sgt. Michael Raso frisked § 87(2)(b)	
E.POM John Stoltenborg	Discourtesy: PO John Stoltenborg spoke rudely to § 87(2)(b)	
F.SGT Michael Raso	Discourtesy: Sgt. Michael Raso spoke rudely to § 87(2)(b)	
G.SGT Michael Raso	Force: Sgt. Michael Raso used physical force against § 87(2)(b)	

## Case Summary

On February 1, 2013, § 87(2)(b) filed this complaint on behalf of herself, § 87(2)(b) and § 87(2)(b) with the Internal Affairs Bureau via the telephone. The CCRB received this complaint on March 5, 2013 via IAB log number 1304769 (encl. 10-14).

On January 30, 2013, at approximately 10:40pm, § 87(2)(b) was arrested by PO John Stoltenborg in the vicinity of Cypress Avenue between St. Mary's Street and East 141<sup>st</sup> Street, in the Bronx. The following allegations resulted:

- **Allegation A: Abuse of Authority:** Sgt. Michael Raso stopped § 87(2)(b)
- **Allegation B: Abuse of Authority:** PO John Stoltenborg stopped § 87(2)(b)
- **Allegation C: Abuse of Authority:** PO Brian Manning stopped § 87(2)(b)  
§ 87(2)(g)
- **Allegation D: Abuse of Authority:** Sgt. Michael Raso frisked § 87(2)(b)  
§ 87(2)(g)
- **Allegation E: Discourtesy:** PO John Stoltenborg spoke rudely to § 87(2)(b)
- **Allegation F: Discourtesy:** Sgt. Michael Raso spoke rudely to § 87(2)(b)  
§ 87(2)(g)
- **Allegation G: Force:** Sgt. Michael Raso used physical force against § 87(2)(b)  
§ 87(2)(g)

Since the date of this incident, Sgt. Michael Raso has been promoted to the rank of lieutenant; however, he will be addressed as Sgt. Raso throughout the report.

This case was re-assigned to Investigator Mercedes Bayon on August 16, 2013 upon Investigator Kimberly Eldridge's departure from the CCRB.

## Results of Investigation

### Civilian Statement(s)

**Complainant/ Victim:** § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. She is a Hispanic female who stands 5'4" tall and weighs 330 pounds with black hair and brown eyes.*

**CCRB Statement:** (encl. 15-19)

On April 12, 2013, § 87(2)(b) was interviewed at the CCRB. § 87(2)(g)  
At approximately 10:30PM on January 30, 2013, § 87(2)(b) was in her apartment, § 87(2)(b), in the Bronx, when an unidentified individual knocked on her apartment door and told her that police officers were

beating up her son, § 87(2)(b) § 87(2)(b) did not know the name or contact information of the person who knocked on her door. § 87(2)(b) immediately rushed downstairs, at which time she saw § 87(2)(b) crouched in the rear passenger side doorway of a silver unmarked vehicle with tinted windows. § 87(2)(b) was handcuffed, but turned his head to yell out, "Ma! Call my lawyer! They're hurting me! They're hurting me!" PO1, who she described as a 5'8"-5'9" tall white or Hispanic male, blue eyes, wearing a sweater and jeans, identified by the investigation as PO John Stoltenborg, punched § 87(2)(b) three times in the mouth, presumably in an effort to get § 87(2)(b) into the vehicle. The blows caused a cut to § 87(2)(b) lip that began to bleed profusely. PO Stoltenborg then elbowed § 87(2)(b) once in the neck. § 87(2)(b) did not hear PO Stoltenborg say anything to § 87(2)(b). At that time, § 87(2)(b) dropped into the seat of the vehicle. There were no other officers involved in getting § 87(2)(b) into the vehicle. Once § 87(2)(b) was inside of the vehicle, PO Stoltenborg closed the door. § 87(2)(b) did not observe any additional injuries on § 87(2)(b) person.

A few feet away from the vehicle, § 87(2)(b)'s sister, § 87(2)(b) spoke with PO2, who she described as a 5'3"-5'4" tall white or Hispanic male. The investigation identified PO2 as Sgt. Michael Raso. § 87(2)(b) heard Sgt. Raso tell § 87(2)(b) that they received a call that someone had a gun at the location. Sgt. Raso explained that § 87(2)(b) was at the location when the officers arrived, and that was why they searched him. There were other civilians in the area, but § 87(2)(b) did not know any of them and did not have any contact information for them.

§ 87(2)(b) approached the vehicle and yelled, "What's going on? What are you doing? He just came back from class." Initially, § 87(2)(b) stated that PO Stoltenborg responded, "Move your fucking self away from the car before I arrest you." As the incident progressed, however, § 87(2)(b) stated that PO Stoltenborg told her, "Get the fuck away from the car before I fucking arrest you."

PO Stoltenborg entered the front passenger seat. Sgt. Raso sat in the back with § 87(2)(b). PO3, who § 87(2)(b) was unable to describe, but was identified by the investigation as PO Brian Manning, was the driver of the vehicle. The officers immediately left the scene. § 87(2)(b) and § 87(2)(b) went to the 40<sup>th</sup> Precinct to inquire about § 87(2)(b) but § 87(2)(b) was not there. § 87(2)(b) called IAB, at which time she was informed that § 87(2)(b) had been taken to § 87(2)(b) to be treated for the injuries to his mouth. § 87(2)(b) was then taken to the 46<sup>th</sup> Precinct for arrest processing.

At no time did the officers explain why they arrested § 87(2)(b). When § 87(2)(b) returned home after being released, § 87(2)(b) noticed that he had swelling to the back of his head. § 87(2)(b) also claimed that § 87(2)(b) had bruising to his body that was caused by police officers, and that § 87(2)(b) incorrectly stated that § 87(2)(b) had a rash.

**Victim:** § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a Hispanic male who stands 5'7" tall and weighs 172 pounds with black hair and brown eyes.*

**Statement to Medical Personnel:**

§ 87(2)(b) informed EMS workers who responded to the stationhouse that he was given 2 Tylenols from which he sustained a rash. § 87(2)(b) also informed medical personnel at § 87(2)(b) that he had an allergic reaction after being given 2 Tylenols.

**Arrest Photograph** (encl. 23)

§ 87(2)(b) arrest photo shows that he had redness to the left side of his lower lip.

**CCRB Statement:** (encl. 20-26)

On April 12, 2013, § 87(2)(b) was interviewed at the CCRB. Sometime after dark on the evening of January 30, 2013, § 87(2)(b) left § 87(2)(b), after dropping something off. § 87(2)(b) took a bus from § 87(2)(b) to the vicinity of Brook Avenue to go home. § 87(2)(b) did not recall the bus line that he was on, but speculated that it was the Bx16. § 87(2)(b) was also not sure of the stop at which he got off the bus, but believed that it was the Brook Avenue stop. Once off of the bus, § 87(2)(b) walked through St. Mary's Park and was en route to his home, located at § 87(2)(b). § 87(2)(b) was alone and did not stop or speak with anyone as he walked home. § 87(2)(b) was wearing a plain black hooded sweatshirt with "Old Navy" printed across the front, blue jeans, and black Nike sneakers. § 87(2)(b) was not wearing a hat, but his hood was up. § 87(2)(b) was not carrying a bag of any type. § 87(2)(b) had a pint-sized Poland Spring water bottle in his sweatshirt pocket. The bottle was less than a quarter full of Hennessy (Cognac). § 87(2)(b) hands were in his sweatshirt's pocket, and he was clutching the water bottle. At no time while on the bus or after getting off the bus did § 87(2)(b) remove the bottle from his pocket. At no time did § 87(2)(b) drink from the bottle. § 87(2)(b) denied drinking on the evening of the incident. § 87(2)(b) was not inebriated or under the influence of drugs or narcotics.

After walking for approximately fifteen minutes, § 87(2)(b) exited St. Mary's Park via the Cypress Avenue exit. § 87(2)(b) continued on Cypress Avenue towards East 141<sup>st</sup> Street. A black unmarked car pulled up near § 87(2)(b) who kept walking forward. Three plainclothes police officers exited the vehicle and ran towards § 87(2)(b). One of the officers shouted, "Hey you! Hey you! Stop!" § 87(2)(b) immediately stopped walking, faced the officers, and asked, "Why are ya'll stopping me?" PO1, who he described as a 5'4"-5'5" tall white male, muscular build, black hair, in his 30s, wearing a black jacket, blue jeans, and sneakers, identified through the investigation as Sgt. Michael Raso, used two hands to grab the front of § 87(2)(b) sweatshirt and pushed him backwards, causing § 87(2)(b) back to make contact with a fence in front of a school. § 87(2)(b) stood still and asked, "What do you mean?" A second officer, PO2, who he described as a 6'1" tall white male, well built, late 20s, tattoo on left forearm, wearing a black hooded sweatshirt and blue jeans, identified through the investigation as PO Brian Manning, immediately grabbed § 87(2)(b) left arm and held it out and away from his body while a third officer, PO3, who he described as a 5'6"-5'7" tall white male, muscular build, blonde hair, in his 30s, moustache, wearing a grey hoodie and black jeans, identified through the investigation as PO John Stoltenborg, did the same to § 87(2)(b) right arm. Neither PO Manning nor PO Stoltenborg made any statements towards § 87(2)(b).

Sgt. Raso patted down the hood of § 87(2)(b) sweatshirt, then moved down towards § 87(2)(b) torso, continued to pat down § 87(2)(b) waistband and legs, and told § 87(2)(b) to remove his sneakers. As Sgt. Raso patted § 87(2)(b) down, he stated, "This is what you get for trying to be a funny guy." § 87(2)(b) did not know what Sgt. Raso meant by this statement and Sgt. Raso did not explain what he meant. Immediately after patting § 87(2)(b) down, Sgt. Raso removed the Poland Spring bottle from § 87(2)(b) pocket. Sgt. Raso stated, "You've got something on you, so now we're gonna take you in." Sgt. Raso then used his right hand to push § 87(2)(b) face against the fence. The left side of § 87(2)(b) face made contact with the fence. Sgt. Raso held § 87(2)(b) face against the fence for approximately forty-five seconds. § 87(2)(b) had not moved around prior to Sgt. Raso pushing his face against the fence. § 87(2)(b) asked, "What are you doing?" but did not say anything else to Sgt. Raso. § 87(2)(b) had not used profanity towards the officers.

The officers tripped § 87(2)(b) legs out from under him and pushed § 87(2)(b) forward so that he was on the ground. § 87(2)(b) landed on the front of his body. § 87(2)(b) did not do anything with his body while on the ground. § 87(2)(b) was handcuffed without incident, but § 87(2)(b) did not see which officer handcuffed him. § 87(2)(b) was upset and yelled, “Why am I laying here on the ground? I didn’t do anything.” The officers told § 87(2)(b) to shut up. PO Manning and PO Stoltenborg picked § 87(2)(b) up from the ground and led him to their police vehicle. As the officers led § 87(2)(b) to the vehicle, § 87(2)(b) noticed that approximately ten people had stopped to watch the incident. § 87(2)(b) did not know the people who were watching and did not have any contact information for them.

As the officers led § 87(2)(b) to their vehicle, § 87(2)(b) saw his aunt, § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) approached the vehicle and asked Sgt. Raso what was going on. Sgt. Raso responded, “Fuck you. Get the fuck away from the fucking car.” § 87(2)(b) § 87(2)(b) alleged that Sgt. Raso “cursed out” § 87(2)(b) but was unable to articulate any additional statements Sgt. Raso may have made to § 87(2)(b) § 87(2)(b) was approximately five feet away from § 87(2)(b) and Sgt. Raso when Sgt. Raso made the aforementioned statements. § 87(2)(b) stated to Sgt. Raso, “Yo, that’s my aunt. Why are you talking to her like that?” PO Manning and PO Stoltenborg placed § 87(2)(b) inside of the rear of the police vehicle. PO Manning then sat in the driver’s seat while PO Stoltenborg sat in the front passenger seat. Sgt. Raso entered the rear of the police vehicle and sat on § 87(2)(b) left side. The officers immediately left the scene.

During transport to the stationhouse, § 87(2)(b) was upset. § 87(2)(b) asked, “What’s going on? Why are ya’ll doing this? Ya’ll probably just want someone to take in so you can get credit.” Sgt. Raso told § 87(2)(b) to “Shut up,” but § 87(2)(b) continued speaking. § 87(2)(b) § 87(2)(b) stated, “I don’t understand. I can’t speak? Why am I here? Why am I in handcuffs? Ya’ll think ya’ll are above the law and that’s not right.” § 87(2)(b) was not cursing at this time. Sgt. Raso again told § 87(2)(b) to “Shut up.” § 87(2)(b) responded, “I don’t have to. I’m just telling you what I feel.” Sgt. Raso then punched § 87(2)(b) once on the left side of his mouth. Sgt. Raso then punched § 87(2)(b) six more times in the left side of the face and head. The force of the blows caused the right side of § 87(2)(b) head to repeatedly make contact with the vehicle’s window. § 87(2)(b) shouted, “Wow! You’re really gonna do that?! You gonna punch me in my face while I’m handcuffed? You’re a tough guy. You a real tough guy.” Sgt. Raso responded, “You think you’re real smart. Don’t tell me about that racist stuff.” § 87(2)(b) § 87(2)(b) responded, “What you talking about? You got a guilty conscience?” The blows caused a cut to § 87(2)(b) lip and gums. § 87(2)(b) started bleeding profusely, and as a result, spit blood out on the car’s window, seat, and floor. § 87(2)(b) told Sgt. Raso that his head hurt and that he was bleeding, to which Sgt. Raso responded, “It’s just a busted lip. You don’t need to go to the hospital.”

§ 87(2)(b) was taken to the 46<sup>th</sup> Precinct to be processed and then to § 87(2)(b) on § 87(2)(b). § 87(2)(b) lip was busted and swollen, so § 87(2)(b) was given an ice pack. § 87(2)(b) developed a rash, and was treated for the rash. § 87(2)(b) was given Tylenol for his headache. § 87(2)(b) did not obtain any additional medical treatment. § 87(2)(b) § 87(2)(b) was charged with § 87(2)(a) 160.50.

**Victim:** § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. She is a black female who stands 5’2” tall and weighs 203 pounds with black hair and brown eyes.*

**CCRB Statement:** (encl. 27-31)

On April 12, 2013, § 87(2)(b) was interviewed at the CCRB. On the night of January 30, 2013, § 87(2)(b) was in her apartment, § 87(2)(b) in the Bronx, when someone knocked on the door. When § 87(2)(b) answered the door, a female whose name and contact information § 87(2)(b) did not know, stated “They’re beating the hell out of your son.” § 87(2)(b) does not have a son, but § 87(2)(b) is her Godson. § 87(2)(b) immediately ran down the stairs, twisting her ankle on the way outside. § 87(2)(b) s sister, § 87(2)(b) was also in the apartment, but § 87(2)(b) remained inside of the apartment. When § 87(2)(b) exited the building, she observed PO1, who she described as a 5’2” tall white or Puerto Rican male, stocky build, dark hair, brown eyes, wearing a blue sweater, identified through the investigation as Sgt. Michael Raso, and PO2, who she described as a 6’1” tall white or Puerto Rican male, black hair, blue eyes, wearing a grey sweater, identified through the investigation as PO John Stoltenborg, pulling § 87(2)(b) up from the ground. Sgt. Raso and PO Stoltenborg then pushed § 87(2)(b) against a small, black, four door sedan so that § 87(2)(b) back and arms made contact with the rear passenger side door. § 87(2)(b) approached the officers, asked what was going on, and whether she could speak with § 87(2)(b).

Sgt. Raso pulled § 87(2)(b) a few feet to the side, at which time § 87(2)(b) informed Sgt. Raso that § 87(2)(b) was on his way home from school and asked Sgt. Raso what happened. As § 87(2)(b) spoke to Sgt. Raso, § 87(2)(b) repeatedly yelled, “Call my lawyer! Call my lawyer! I know my rights!” Sgt. Raso stated to § 87(2)(b) “If he keeps yelling, ma’am, we’re going to have to take him downtown.” § 87(2)(b) asked Sgt. Raso what § 87(2)(b) was being charged with, and Sgt. Raso stated, “Disorderly conduct. He’ll be out tomorrow.” § 87(2)(b) explained to Sgt. Raso that § 87(2)(b) already had issues with police officers (referring to a previous incident from May of 2012), and asked Sgt. Raso if they could release § 87(2)(b) with a summons instead. § 87(2)(b) however, continued to yell. § 87(2)(b) repeatedly told § 87(2)(b) to be quiet and shut up, but he continued to yell. § 87(2)(b) again stated that § 87(2)(b) was on his way home from school, and added that § 87(2)(b) was a “good kid” who does not get into trouble. When § 87(2)(b) continued to yell, Sgt. Raso stated, “See, that’s what I’m talking about. I’m going to put him in the car and take him around the block. If he calms down, we’ll let him go.”

§ 87(2)(b) repeatedly told § 87(2)(b) to be quiet, but § 87(2)(b) stated, “No! No! You can’t be doing nothing to me. I didn’t do nothing to these people.” At that time, PO Stoltenborg removed § 87(2)(b) New York State Benefits card from § 87(2)(b) pocket, presumably to confirm § 87(2)(b) identity. PO Stoltenborg asked § 87(2)(b) “Is this his benefits card?” § 87(2)(b) responded, “Yes it is.” PO Stoltenborg then stated, “If he doesn’t calm down right now, I can cut off his benefits.” § 87(2)(b) however, continued to yell. At that time, Sgt. Raso stated, “You know what, forget this. Just put him in the car and let’s go.” § 87(2)(b) pleaded with the officers to wait before leaving. § 87(2)(b) continued to shout, “No! No! No!” PO Stoltenborg opened the rear passenger side door of the black sedan on which § 87(2)(b) was leaning and attempted to push § 87(2)(b) inside. § 87(2)(b) however, turned away from the car and yelled, “Call my lawyer! Call my lawyer!” PO Stoltenborg repeatedly pushed down on § 87(2)(b) head and shoulders to get him down and into the car. Eventually, § 87(2)(b) was seated, but his legs remained outside of the vehicle. PO Stoltenborg used his left leg to push § 87(2)(b) legs so that § 87(2)(b) turned and placed them inside of the vehicle. PO Stoltenborg then entered the rear of the vehicle and sat on the right side of § 87(2)(b). Sgt. Raso entered the rear of the vehicle and sat on the left side of § 87(2)(b). A third officer, PO3, who she described as a white or Hispanic male wearing a black sweater and a baseball cap, identified through the investigation as PO Brain Manning, who had been standing several feet away from the vehicle, entered the driver’s seat.

Once inside of the vehicle, § 87(2)(b) attempted to turn around in the seat and yelled, “Why you gotta treat me like this? I’m gonna call my lawyer! Call my lawyer! Call my lawyer! They can’t do this! They can’t violate my rights!” In response, PO Stoltenborg used his forearm to strike § 87(2)(b) three times in the chest in rapid succession. After the last strike, PO Stoltenborg kept his forearm against § 87(2)(b) chest, presumably to hold him in place inside of the vehicle. § 87(2)(b) rushed to within a foot of the vehicle, at which time Sgt. Raso and PO Stoltenborg repeatedly shouted, “Move back! Move back!” § 87(2)(b) remained where she was standing and yelled, “What precinct are you taking him to?” At that time, Sgt. Raso stated, “I told you, miss. Get the fuck away from my car. Move back. Move now.” § 87(2)(b) moved backwards and the officers immediately left the scene. At that time, § 87(2)(b) realized that a crowd had formed at the location. § 87(2)(b) however, did not know any of the people who were in the crowd and did not have any contact information for them.

§ 87(2)(b) briefly went back to her apartment before exiting her building again. § 87(2)(b) sat outside for an hour, waiting to see if the officers would return § 87(2)(b) to the location. An hour later, § 87(2)(b) noticed the officers driving near the building. § 87(2)(b) approached the vehicle and inquired about § 87(2)(b). The officers, however, just told § 87(2)(b) to move away from their vehicle. § 87(2)(b) returned to her apartment and § 87(2)(b) called IAB. At that time, IAB informed § 87(2)(b) and § 87(2)(b) that § 87(2)(b) was at the 46<sup>th</sup> Precinct and that he had been taken to § 87(2)(b). When § 87(2)(b) was released, he informed § 87(2)(b) that he went to the hospital because an officer had punched him in the face and busted his lip.

#### **NYPD Statement(s):**

##### **Subject Officer: SGT MICHAEL RASO**

- *At the time of the incident, Sgt. Raso was § 87(2)(b) old. He is a white male who stands 5’8” tall and weighs 180 pounds with brown hair and brown eyes.*
- *On January 30, 2013, Sgt. Michael Raso, now of the 30<sup>th</sup> Precinct, was assigned to the Patrol Borough Bronx Anti-Crime Patrol. He worked between the hours of 7:15 p.m. and 4:12 a.m. (January 31, 2013), with partners PO Brian Manning and PO John Stoltenborg. He was in plainclothes and assigned to an unmarked black Chevy Impala.*

##### **Memo Book:** (encl. 32-33)

On January 30, 2013 at 10:45 p.m., one male individual was placed under arrest by PO Stoltenborg at Cypress Avenue between East 141<sup>st</sup> Street and St. Mary’s Street. At 10:50 p.m., on administrative duty at the 40<sup>th</sup> Precinct. The prisoner refused medical attention.

##### **CCRB Testimony:** (encl. 34-36)

On August 15, 2013, Sgt. Raso was interviewed at the CCRB. On January 30, 2013, at approximately 10:45 p.m., Sgt. Michael Raso was conducting anti-crime patrol in the 40<sup>th</sup> Precinct. He was assigned to work in the 40<sup>th</sup> Precinct due to the high volume of shootings, robberies, and violent assaults that were occurring there. Sgt. Raso was in a vehicle with PO John Stoltenborg and PO Brian Manning. PO Manning was driving, PO Stoltenborg was in the front passenger seat, and Sgt. Raso was in the back seat on the passenger’s side.

Sgt. Raso and his partners saw a male individual (later identified as § 87(2)(b)) walking on the sidewalk at Cypress Avenue between East 141<sup>st</sup> Street and St. Mary’s Street. When Sgt. Raso first saw § 87(2)(b) he was within a distance of one car’s length from the officer’s vehicle. There were multiple cars parked along the side of the road. Streetlights were illuminating the area. Sgt. Raso saw § 87(2)(b) notice the police vehicle. § 87(2)(b) then

walked behind a parked car and ducked behind the car. The windows of Sgt. Raso's vehicle were down. After § 87(2)(b) ducked behind the parked car, Sgt. Raso heard an object fall to the ground. PO Stoltenborg and Sgt. Raso then exited their vehicle in order to investigate what § 87(2)(b) was doing. PO Stoltenborg approached first and identified himself as a police officer. § 87(2)(b) then turned his body towards PO Stoltenborg and raised his closed fists in a fighting stance. § 87(2)(b) was yelling, but Sgt. Raso could not remember specifically what he was saying.

PO Stoltenborg grabbed § 87(2)(b) by his upper torso, at which point § 87(2)(b) began to struggle. Both Sgt. Raso and PO Manning then became involved in the struggle. Sgt. Raso also grabbed § 87(2)(b) by his torso. § 87(2)(b) was still standing at this point. The officers were then able to wrestle § 87(2)(b) to the ground. During the struggle, § 87(2)(b) was kicking at the officers, pushing, and trying to pull away from them. § 87(2)(b) did not make substantial contact with the officers during the struggle. During the struggle, Sgt. Raso told § 87(2)(b) to stop resisting the officers. Sgt. Raso did not remember § 87(2)(b) questioning why he had been stopped. It took all three officers to subdue § 87(2)(b) and place him in handcuffs. Sgt. Raso did not punch § 87(2)(b) during the struggle. At this point, Sgt. Raso noticed that § 87(2)(b) smelled strongly of alcohol. Sgt. Raso did not see any other people observing the incident.

Once he was handcuffed, the officers identified the object that § 87(2)(b) had dropped as a container of alcohol. § 87(2)(b) was placed under arrest for § 87(2)(a) 160.50. When asked at what point he had determined that § 87(2)(b) was under arrest, Sgt. Raso responded that § 87(2)(b) would have received a summons for the container of alcohol, but that he was under arrest for § 87(2)(a) 160.50 as soon as he began fighting with the officers. Sgt. Raso stated that, absent any warrants, had § 87(2)(b) not fought with the officers, he would not have been placed under arrest. § 87(2)(b) was then brought to the police vehicle. He was acting in a belligerent and intoxicated manner. Sgt. Raso could tell that § 87(2)(b) was intoxicated because he had glassy eyes, smelled of alcohol, and was slurring his speech. Sgt. Raso did not remember what § 87(2)(b) was saying.

As the officers were instructing § 87(2)(b) to sit down inside of the police vehicle, two females approached, identified by the investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b) stated that § 87(2)(b) was her son. § 87(2)(b) and § 87(2)(b) attempted to calm down § 87(2)(b) as he was being placed in the police vehicle. Once he was in the vehicle, the officers identified themselves to § 87(2)(b) and § 87(2)(b) explained why § 87(2)(b) had been arrested, and told them where his arrest would be processed. At no point did the § 87(2)(b) and § 87(2)(b) interfere with the arrest of § 87(2)(b). They did not attempt to grab him or prohibit him from sitting down in the police vehicle. During their interaction with § 87(2)(b), § 87(2)(b) and § 87(2)(b) attempted to calm him down. They did not escalate the situation in any way. Sgt. Raso did not remember either § 87(2)(b) or § 87(2)(b) crying during the incident. Sgt. Raso did not issue any commands to them. At no point did he tell the § 87(2)(b) or § 87(2)(b) to step back from the vehicle. Sgt. Raso did not say: "Get the fuck away from the fucking car." Sgt. Raso did not hear any other officer say: "Get the fuck away from the fucking car" and neither he or any officer threaten to arrest anyone. No officer used profanity towards either or threatened to arrest them.

§ 87(2)(b) was then taken to the 48<sup>th</sup> Precinct stationhouse. While being transported, § 87(2)(b) was seated in the rear passenger-side seat, and Sgt. Raso was seated in the rear driver-side seat. § 87(2)(b) was in handcuffs. He was speaking, but he was no longer acting in a belligerent way. The ride to the 48<sup>th</sup> Precinct stationhouse took approximately five minutes. During the ride, Sgt. Raso did not interact with § 87(2)(b). Sgt. Raso did not speak to § 87(2)(b) nor did he make any physical contact with him. Sgt. Raso did not recall § 87(2)(b).



spitting while he was in the police vehicle. Sgt. Raso did not notice any injuries to § 87(2)(b) at this time. § 87(2)(b) head never made contact with the window of the police vehicle while he was being transported to the 48<sup>th</sup> Precinct stationhouse. Sgt. Raso did not recall § 87(2)(b) stating that there were any racial concerns during the incident.

Once at the 48<sup>th</sup> Precinct stationhouse, Sgt. Raso entered the arrest into the command log. Sgt. Raso also noticed that § 87(2)(b) had sustained a laceration to his lip, and he called an ambulance to the stationhouse. Sgt. Raso believed that § 87(2)(b) had sustained the laceration during the struggle, but did not know specifically how the injury was sustained. At the stationhouse, the laceration was not bleeding. § 87(2)(b) stated that he did not wish to receive medical attention, and as such he was not seen by Emergency Medical Technicians (EMTs) at the stationhouse. § 87(2)(b) stated that he had a headache because he had been drinking too much. § 87(2)(b) was not administered Tylenol or any other medication while at the stationhouse.

**Subject Officer: PO JOHN STOLTENBORG**

- *At the time of the incident, PO Stoltenborg was § 87(2)(b) old. He is a white male who stands 5'11" tall and weighs 180 pounds with brown hair and blue eyes.*
- *On January 30, 2013, PO John Stoltenborg of the Patrol Borough Bronx Anti-Crime Unit worked between the hours of 5:30 p.m. and 4:00 a.m. (January 31, 2013). He was in plainclothes and assigned to Patrol Borough Bronx's Anti-Crime Unit in an unmarked black Chevy Impala. PO Stoltenborg was working with PO Brian Manning and Sgt. Michael Raso.*

**Arrest Report:** (encl. 37-39)

PO Stoltenborg prepared an arrest report for § 87(2)(b) with the following narrative: "§ 87(2)(a) 160.50

§ 87(2)(a) 160.50

**Memo Book:** (encl. 40-41)

PO Stoltenborg's memo book stated that at 10:40 p.m., he stopped § 87(2)(b) on Cypress Avenue between St. Mary's Street and East 141 Street. At 10:45 p.m., § 87(2)(b) was placed under arrest for § 87(2)(a) 160.50.

**CCRB Testimony:** (encl. 42-44)

On July 11, 2013, PO Stoltenborg was interviewed at the CCRB. On January 30, 2013 at approximately 10:40 p.m., PO John Stoltenborg was on routine patrol in his vehicle with PO Brian Manning and Sgt. Michael Raso. PO Manning was driving the vehicle, Sgt. Raso was in the back seat, and PO Stoltenborg was in the front passenger's seat. PO Stoltenborg observed an individual (later identified as § 87(2)(b) walking on the street. § 87(2)(b) was walking alone. PO Stoltenborg did not know where he was coming from. As the officers approached in their vehicle, § 87(2)(b) noticed that the officers were approaching and ducked behind a car. The car was parked on the street in front of an open lot enclosed by a chain-link fence. When § 87(2)(b) ducked behind the car, the officers were in their vehicle, approximately one car's length from § 87(2)(b).

After § 87(2)(b) ducked behind the car, PO Stoltenborg heard an unidentified object dropped on the ground. The sound of the object being dropped was loud enough that it could be heard by PO Stoltenborg through the open front passenger-side window of his vehicle. The object sounded heavy. PO Stoltenborg did not see § 87(2)(b) holding anything before he ducked behind the car. None of the officers said anything to § 87(2)(b) before he ducked behind the

car, and § 87(2)(b) did not say anything to the officers. Apart from ducking behind the car, nothing about § 87(2)(b) had drawn PO Stoltenborg's attention.

§ 87(2)(b) then returned to an upright position and continued walking down the street. PO Stoltenborg decided to approach § 87(2)(b) in order to determine what he had dropped on the ground. The officers pulled up to § 87(2)(b) and PO Stoltenborg identified himself verbally as a police officer and demonstrated his shield. He then exited his vehicle to approach § 87(2)(b). PO Stoltenborg did not notice whether his partners also exited the vehicle at this point. As PO Stoltenborg exited the vehicle, § 87(2)(b) said: "You're not touching me." He then lifted his hands and assumed a boxing-stance. PO Stoltenborg said: "Put your hands down." He gave § 87(2)(b) this directive one time. § 87(2)(b) did not respond. § 87(2)(b) did not put his hands down, and took a step towards PO Stoltenborg. At this point, both PO Stoltenborg and § 87(2)(b) were on the sidewalk with approximately eight to 10 feet between them.

PO Stoltenborg did not issue any directives to § 87(2)(b) after § 87(2)(b) took a step towards him. PO Stoltenborg was concerned for his safety because § 87(2)(b) was approaching him with his hands raised. PO Stoltenborg then attempted to gain control of § 87(2)(b) by grabbing his wrists. As he did so, he told § 87(2)(b) to put his hands behind his back. § 87(2)(b) attempted to pull his hands away from PO Stoltenborg and move away with his body. § 87(2)(b) did not manage to break contact with PO Stoltenborg. PO Stoltenborg then wrestled § 87(2)(b) to the ground. Both PO Stoltenborg and § 87(2)(b) fell onto the ground. PO Stoltenborg did not remember what part of § 87(2)(b) body made contact with the ground first. He did not remember what part of his own body made contact with the ground first.

Once they were on the ground, PO Stoltenborg lost his grip on § 87(2)(b) wrists. PO Stoltenborg continued to attempt to place § 87(2)(b) hands behind his back. § 87(2)(b) resisted by flailing his arms and kicking his feet. PO Stoltenborg was not sure if § 87(2)(b) kicks made contact with him. After a few seconds, PO Stoltenborg's partners approached to assist with the arrest. § 87(2)(b) continued to fight with the officers as they attempted to arrest him by kicking and flailing his arms. During the struggle, the officers said to § 87(2)(b) "Give us your hands," and, "Stop resisting." PO Stoltenborg could not say definitively what PO Manning or Sgt. Raso were doing at this time, but stated that all three officers were attempting to grab § 87(2)(b) hands.

The officers were able to turn § 87(2)(b) face-down on the ground and pull one of his arms behind his back. They placed a handcuff on one of his arms, and were then able to pull his other hand behind his back and handcuff him. In total, it took the officers between one minute and one-minute-and-30-seconds to handcuff § 87(2)(b). PO Stoltenborg stated that he may have struck § 87(2)(b) in the course of effecting the arrest. PO Stoltenborg did not distinctly recall striking § 87(2)(b) but stated that he might have struck § 87(2)(b) in the ribs during the struggle.

PO Stoltenborg did not know if anyone was watching the arrest take place. No one attempted to interfere in § 87(2)(b) arrest. After § 87(2)(b) was placed in handcuffs, he was still highly agitated. PO Stoltenborg did not recall § 87(2)(b) making any statements after he was placed in handcuffs. § 87(2)(b) was then lifted to his feet. PO Stoltenborg did not know which officer lifted § 87(2)(b) to his feet. § 87(2)(b) did not appear to have any injuries at this point. PO Stoltenborg did not hear § 87(2)(b) complain about any injuries.

After placing § 87(2)(b) in handcuffs, the officers went to the area where they had observed § 87(2)(b) drop the unidentified object and recovered a Poland Spring bottle filled with Hennessy (cognac). § 87(2)(b) was then placed in the backseat of the police vehicle. Initially, § 87(2)(b) resisted being placed in the vehicle by squirming around as the officers brought him to the vehicle. Once the car door was opened, § 87(2)(b) entered the vehicle. He was never stuck in the face or in the chest to get into the vehicle. As § 87(2)(b) was being placed in the car, two female civilians approached the car. The females were identified by the

investigation as § 87(2)(b) and § 87(2)(b) PO Stoltenborg did not remember § 87(2)(b) or § 87(2)(b) explaining either their relationship to § 87(2)(b) or their reason for approaching the vehicle. § 87(2)(b) and § 87(2)(b) stood approximately three feet from the vehicle. PO Stoltenborg did not remember if he spoke with § 87(2)(b) and § 87(2)(b). He stated that an officer told § 87(2)(b) and § 87(2)(b) where they were going to take § 87(2)(b) but could not remember which officer said this. PO Stoltenborg did not remember if § 87(2)(b) and § 87(2)(b) made any statements. PO Stoltenborg did not remember if any of the officers spoke to § 87(2)(b) and § 87(2)(b) about their proximity to the vehicle.

PO Stoltenborg did not say to either § 87(2)(b) or § 87(2)(b) “Get the fuck away from the vehicle” or use profanity towards them. He did not hear PO Manning or Sgt. Raso say: “Get the fuck away from the vehicle” or use profanity either. Neither PO Stoltenborg nor his partners told either § 87(2)(b) or § 87(2)(b) that they would be arrested if they did not move away from the vehicle. § 87(2)(b) was then transported to the 48<sup>th</sup> Precinct stationhouse. § 87(2)(b) was agitated and yelling while he was transported to the precinct. PO Stoltenborg did not remember what statements § 87(2)(b) made while in the vehicle. PO Stoltenborg was in the front passenger seat of the vehicle while § 87(2)(b) was being transported. Sgt. Raso was in the backseat. At no point while § 87(2)(b) was being transported to the precinct did PO Stoltenborg see Sgt. Raso punch or otherwise strike § 87(2)(b). At no point did § 87(2)(b) hand make contact with the window of the vehicle. Once at the 48<sup>th</sup> Precinct stationhouse, § 87(2)(b) was charged with § 87(2)(a) 160.50

Neither PO Stoltenborg nor his partners were injured as a result of this incident.

**Subject Officer: PO BRIAN MANNING**

- *At the time of the incident, PO Manning was § 87(2)(b) old. He is a white male who stands 6’0” tall and weighs 188 pounds with blue eyes and is bald.*
- *On January 30, 2013, PO John Manning of the Patrol Borough Bronx Anti-Crime Unit worked between the hours of 5:30 p.m. and 4:00 a.m. (January 31, 2013). He was in plainclothes and assigned to Patrol Borough Bronx’s Anti-Crime Unit in an unmarked black Chevy Impala. PO Stoltenborg was working with PO Brian Manning and Sgt. Michael Raso.*

**Memo Book:** (encl. 45-46)

PO Manning’s memo book stated that PO Stoltenborg arrested § 87(2)(b) on Cypress between St. Mary’s and East 149<sup>th</sup> Street. § 87(2)(b) did fight with the arresting officer and his partners and § 87(2)(b) suffered a busted lip and a headache.

**CCRB Statement:** (encl. 47-48)

On August 8, 2013, PO Manning was interviewed at the CCRB. On January 30, 2013, at approximately 10:40pm, PO Manning was on routine patrol, when he observed the defendant, identified as § 87(2)(b) adjust his waistband and duck down behind a vehicle. PO Manning later added that there was a hard object that was dropped on the ground behind the vehicle. He later learned that this object was a bottle containing alcohol. PO Manning did not know whose decision it was to stop § 87(2)(b). The officers pulled up to § 87(2)(b). PO Stoltenborg identified himself as a NYPD officer and he exited the vehicle. As PO Stoltenborg exited the vehicle, § 87(2)(b) squared up in a fighting and threatening manner. § 87(2)(b) raised his fists. He was also screaming motherfuckers” “I fucking hate you guys.” At this point, PO Stoltenborg grabbed § 87(2)(b) to place him under arrest. PO Manning was still in the vehicle at this time, so he couldn’t see what part of § 87(2)(b) body PO Stoltenborg grabbed. § 87(2)(b) fought with Sgt. Raso and PO Stoltenborg.

When PO Manning exited the vehicle, he tried to grab § 87(2)(b) hand to cuff him. § 87(2)(b) was not giving up his hands, trying to push off, physically combative, and screaming, “fuck you guys.” § 87(2)(b) was on the ground when PO Manning approached. § 87(2)(b) was flailing his legs around. PO Manning did not recall if § 87(2)(b) made any contact with the officers’ legs. In order to overcome § 87(2)(b) resistance, PO Manning tried to talk with him calmly, saying “just relax, it was just alcohol.” § 87(2)(b) continued to curse saying things along the lines of “You guys are motherfucking pieces of shit.”

After § 87(2)(b) was handcuffed and up against the car, two females approached the officers. The females were identified through the investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b)’s demeanor was calm. PO Manning, who was in the vehicle at this time, spoke to her in a calm manner and explained to her what was going on. PO Manning didn’t interact with the § 87(2)(b) and he didn’t know which officer interacted with her. § 87(2)(b) and § 87(2)(b) did not interfere in the arrest. No officer told § 87(2)(b) that she could be arrested. No profanity was used by any officers toward § 87(2)(b) or § 87(2)(b) and they were not threatened with arrest.

During transport, § 87(2)(b) was still cursing and yelling and he might have spit on the floor of the vehicle. PO Manning was driving and Sgt. Raso was in the back. Sgt. Raso told § 87(2)(b) not to spit in the vehicle. He did not observe Sgt. Raso punch or strike § 87(2)(b) while in the vehicle. PO Manning did not punch, kick, or otherwise strike § 87(2)(b) nor did he see any officer do so. PO Manning’s memo book notes that § 87(2)(b) had a busted lip. He was asked if he knew how this happened. PO Manning replied “possibly within the course of being arrested.” § 87(2)(b) was complaining of a headache. No officers were injured as a result of this incident. He didn’t know if the bottle was ever recovered.

## **Medical Records**

### **FDNY Pre-Hospital Care Report**

At 1:50PM on January 31, 2013, EMS was called to Bronx Central Booking. The PHCR indicates that § 87(2)(b) did not have injuries, but had an allergic reaction to Tylenol.

§ 87(2)(b)  
§ 87(2)(b) complaint was that he had an allergic reaction after being given two Tylenols. § 87(2)(b) presented with a rash all over his face and body. § 87(2)(b) did not complain of pain and did not appear to be in distress.

### **Pre-Arrest Screening Form**

The Pre-Arrest Screening Form for § 87(2)(b) indicates that § 87(2)(b) had a minor laceration to his upper lip, suffers from excema, and has a citrus allergy.

## **NYPD Document(s)**

### **NYPD SPRINT**

There was no NYPD SPRINT located for this incident.

## **Summons/Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

## **Status of Civil Proceedings**

- A Notice of Claim Inquiry has been submitted and will be included in the case file upon receipt.

#### **Civilian(s) Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]

#### **Civilian(s) CCRB History** (encl. 6-8)

- This is the first CCRB complaint in which [§ 87(2)(b)] is party to.
- [§ 87(2)(b)] has filed the following CCRB complaints in which [§ 87(2)(b)] has been party to:
  - [§ 87(2)(b)]  
[REDACTED]  
[REDACTED]

#### **Subject Officer(s) CCRB History** (encl. 1-5)

- PO Brian Manning has been a member of the service for seven years and there are no substantiated CCRB allegations against him.
- Sgt. Michael Raso has been a member of the service for ten years and has the following substantiated CCRB allegations against him:
  - In CCRB case number 200801117 a gun pointed allegation and stop of person allegation were substantiated against him. The CCRB recommended command discipline and the NYPD disposition was instructions.
  - In CCRB case number 200902991 a vehicle stop allegation was substantiated against him. The CCRB recommended charges and he received instructions from the NYPD.
  - In CCRB case number 201106779 a vehicle stop allegation was substantiated against him. The CCRB recommended charges and the NYPD disposition is not currently noted in CTS.
- PO John Stoltenborg has been a member of the service for six years and has the following substantiated CCRB allegation against him:
  - In CCRB case number 201110762 vehicle stop and a vehicle search allegation were substantiated against him. The CCRB recommended charges for the vehicle stop, but the NYPD made no disciplinary action. For the vehicle search, the CCRB recommended command discipline and the NYPD disposition was instructions.

### **Conclusion**

#### **Allegations Not Pleaded**

[§ 87(2)(g)]  
[REDACTED]

#### **Identification of Subject Officer(s)**

[§ 87(2)(b)] alleged he was stopped by all three officers who were present at the scene of his arrest. As such, a stop allegation has been pleaded against Sgt. Raso, PO Stoltenborg, and PO Manning. [§ 87(2)(b)] also alleged that the officer who sat in the back of the RMP with him

frisked him and punched him in the face and mouth. All statements (civilian and officer) reflect that Sgt. Raso was seated in the back with § 87(2)(b). As such, a frisk allegation and a physical force allegation has been pleaded against Sgt. Raso.

§ 87(2)(b) stated that the officer who sat with § 87(2)(b) in the back seat of the police vehicle used discourteous language towards her. As noted above, Sgt. Raso was seated in the back of the police vehicle with § 87(2)(b). As such, a discourtesy allegation has been pleaded against Sgt. Raso.

§ 87(2)(b) alleged that an officer with blue eyes and who sat in the front passenger seat, used discourteous language towards her. PO Stoltenborg was the only officer on the scene with blue eyes and all statements reflect that he was the front passenger in the vehicle. Therefore, a discourtesy allegation has been pleaded against him.

### **Investigative Findings and Recommendations**

**Allegation A: Abuse of Authority: Sgt. Michael Raso stopped** § 87(2)(b)

**Allegation B: Abuse of Authority: PO John Stoltenborg stopped** § 87(2)(b)

**Allegation C: Abuse of Authority: PO Brian Manning stopped** § 87(2)(b)

It is undisputed that Sgt. Raso, PO Stoltenborg, and PO Manning stopped § 87(2)(b) § 87(2)(g)

According to § 87(2)(b) he was walking down the street when Sgt. Raso, PO Stoltenborg, and PO Manning approached him in an unmarked vehicle. § 87(2)(b) was given verbal directions to stop. By § 87(2)(b) account, he complied and asked why he was being stopped after which Sgt. Raso pushed him back and both PO Stoltenborg and PO Manning both grabbed him. Following this, Sgt. Raso frisked him and located a Poland Spring bottle, which contained liquor, on his person.

According to PO Stoltenborg, Sgt. Raso, and PO Manning, § 87(2)(b) was observed walking down the street and that at the sight of the officers, § 87(2)(b) ducked behind a parked vehicle and then dropped something on the ground. The officers testified that they heard the a hard object fall to the ground. The officers exited to investigate what § 87(2)(b) had dropped at which time § 87(2)(b) got into a fighting stance when approached by PO Stoltenborg. According to the officers' testimony, § 87(2)(b) became physically combative upon approach and minimal force was used against him to effect his arrest. According to PO Stoltenborg and Sgt. Raso, they found the Poland Spring bottle filled with liquor in the area where they heard § 87(2)(b) drop the object.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation D: Abuse of Authority: Sgt. Michael Raso frisked** § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b) Sgt. Raso approached him and immediately frisked him during which time he described that Sgt. Raso located the Poland Spring bottle containing liquor. Based on the testimony of Sgt. Raso, PO Stoltenborg, and PO Manning, § 87(2)(b) engaged in a fighting stance immediately upon approach and was subsequently arrested. Sgt. Raso and PO Stoltenborg testified that after § 87(2)(b) was in

handcuffs, they recovered the Poland Spring bottle containing liquor on the street where they heard § 87(2)(b) drop a hard object.

§ 87(2)(g)

**Allegation E: Discourtesy: PO John Stoltenborg spoke rudely to** § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b) she exited her home and witnessed the arrest of § 87(2)(b) during which time PO Stoltenborg allegedly used the word “fuck” and “fucking” towards her. During her testimony § 87(2)(b) expressed that she was not sure of the exact statement, but that he either stated, “Move your fucking self away from the car before I arrest you.” Or “Get the fuck away from the car before I fucking arrest you.” By § 87(2)(b) s account, § 87(2)(b) never exited her apartment to witness § 87(2)(b) being arrested and § 87(2)(b) made no mention of § 87(2)(b) being present at any time during his arrest.

All officers stated that there were two females who approached the vehicle at the time § 87(2)(b) was being arrested. PO Stoltenborg denied making the above statements and stated that he did not use any profanity towards any female or threaten them with arrest. This was corroborated by Sgt. Raso and PO Manning.

§ 87(2)(g)

**Allegation F: Discourtesy: Sgt. Michael Raso spoke rudely to** § 87(2)(b)

§ 87(2)(g)

According to § 87(2)(b) Sgt. Raso “cursed out” § 87(2)(b) and told her, “Fuck you. Get the fuck away from the fucking car.”

As noted in the discussion for the above allegation, although neither § 87(2)(b) nor § 87(2)(b) made mention of § 87(2)(b) being present, all officers described that two females approached their vehicle concerned with the arrest of § 87(2)(b). According to Sgt. Raso, neither he nor PO Stoltenborg or PO Manning made the above referenced statements or used profanity towards any of the two females who approached their vehicle, which was corroborated by PO Manning and PO Stoltenborg during their respective CCRB interviews.

§ 87(2)(g)

**Allegation G: Force: Sgt. Michael Raso used physical force against** § 87(2)(b)

I § 87(2)(g)

According to § 87(2)(b) while in the RMP en-route to the 113<sup>th</sup> Precinct stationhouse, he repeatedly asked questions and was told to shut up, but he did not comply and continued speaking. He alleged that in response to his continued speaking, Sgt. Raso punched him twice on the left side of his mouth and six times on the left side of his face. § 87(2)(b) stated that as a

result he sustained a cut to his lip and gums. By § 87(2)(b)'s account, § 87(2)(b) was punched three times in the mouth prior to being placed in the vehicle, which resulted in § 87(2)(b) sustaining a busted lip, which she observed bleeding. § 87(2)(b) did not corroborate this portion of § 87(2)(b)'s statement.

Sgt. Raso denied that he punched § 87(2)(b) which was corroborated by PO Stoltenborg and PO Manning. No officer noted that § 87(2)(b) had a busted lip. However, PO Manning's memo book noted that § 87(2)(b) had a busted lip and when questioned about it he did not recall details about this and stated that if he did have a busted lip it could have been as a result of the struggle to place him in handcuffs.

In review of § 87(2)(b)'s arrest photograph, § 87(2)(b) had light redness to the left side of his lower lip. Based on § 87(2)(b)'s medical records, he made no statement about being punched in the mouth or face and his records from § 87(2)(b) and his FDNY pre-hospital care report made no mention of any cuts or lacerations to his mouth. The only document that made mention of any injury was the pre-arraignment screening form, which noted that § 87(2)(b) had a minor laceration to his upper lip.

§ 87(2)(g)

[REDACTED]

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date